

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

September 9, 2013
Executive Session, 6:00 p.m.
Francis Faulkner Hearing Room
REGULAR SESSION 7:00 p.m.

Present: Ms. Adachi, Mr. Gowing, Ms. Green, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

EXECUTIVE SESSION – 6:00 p.m.

Procedure for Entering Executive Session on 9/9/13 Under the New Open Meeting Law

1. Chair: "I'll entertain a motion to enter executive session to discuss strategy with respect to litigation."
 - a. Mr. Sonner "So moved."
 - b. Mr. Clough "Second."
2. Chair: "Before the roll call vote to enter executive session, let me state:
 - a. "In the executive session, the Selectmen will discuss with Town Counsel potential litigation to enforce Town Bylaw Chapter R relative to the proposed imminent shutdown and removal of WR Grace Northeast Area Remedial Action."
 - b. "An open meeting may have a detrimental effect on the litigating position of the Town"
3. Chair: "Would the clerk please call the roll."
4. Chair: "At the conclusion of the executive session, the Board will reconvene in open session."

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux – He has appointed Mark Hald as Assistant Town Manager. He interviewed 5 in-house candidates for the position. Mark will also be the Chief Information Officer and will oversee the IT department in a global way. The planning Department and met with Avalon to discuss their thoughts on considering a friendly 40B or LIP in lieu of the planned over 55

development that never took off. Attended meeting of all the Town Managers at Minuteman High School and noted it has been difficult to develop a capital plan. They reviewed several models that would allocate capital costs based on a four year rolling average of students, Chapter 70 combined effort weight, and a base capital contribution for each town. Acton's cost under the current model is \$181,137.00. 1200 Citizen Surveys went out at the end of August and we have received a 13% return. The results will be presented by students involved in this exercise once the review is completed. There will be a small 9/11 remembrance ceremony at the Public Safety Building starting at 9:30am.

Ms. Adachi – Announced the two Executive Sessions: one before the meeting about litigation and another one at the end of this meeting to discuss Real Property. The end of August was the 50th Anniversary of the March on Washington and a WGBH radio story on the topic was inspired by two Acton pastors who participated in the 1963 march and how Acton has changed since then. She will forward the link if anyone is interested in listening to the program. Morrison Farm will be conducting a series of walks for citizens' benefit. They are going to have a number of themed walks, including an historical walk and a natural walk. MAGIC is having a FEMA flood plan revision meeting on the 13th at the Alcott Elementary School in Concord.

PUBLIC HEARINGS & APPOINTMENTS

PANERA SITE PLAN #3/5/13-441, 252 MAIN STREET – Continuation Request to December 16, 2013

The board approved the continuance requested by the Applicant.

CROSSTOWN CONNECT INTER-MUNICIPAL AGREEMENT

At a previous meeting, Doug Halley presented on the way the program will operate and gave a brief overview tonight. The Memorandum of Understanding presented to the Board tonight has been reviewed and approved by Town Counsel. Maynard and Littleton have already signed the MOU. He will meet with Boxborough tonight and the other communities in the coming weeks. Clock Tower Place in Maynard has already signed the MOU and provided office space as part of their agreement. The organization opened their offices at Clock Tower Place today. Acton is the lead community for this program. This program will help to reduce our transportation budget and provide greater service by regionalizing our dispatching services. TransAction is already providing dispatch for Dial-A-Ride and Road Runner and they hope to be on line in early October for the COA van. They are committed to work with COA to address their needs and concerns.

Mr. Sonner said he was very interested in seeing this move forward wanted to know if the coordinating committee was looking at ways to measure the results of this program from a user's view and needs. Mr. Halley said that he suspects they will but that will be up to the committee to set the organization's goals.

Mr. Clough saw the presentation to the Finance Committee and said he felt that the terms of the MOU were reasonable. His only concern was with losing some control but that judging by the wording of the MOU, he didn't expect that to happen.

Final

Mr. Gowing said this would be rolled out the same way as the MinuteVan was and will not be an abrupt change.

Ms. Adachi is confident that all glitches will be worked out. She said that she understands some of the anxiety surrounding the change but believes that the people running the program have the best interests of the riders at heart.

Mrs. Osborn, Acton resident and COA Volunteer said that she was concerned with this change. She is surprised and disappointed at transferring the COA dispatch to another service because the current COA dispatchers are knowledgeable and know the riders. She is concerned that if the service is taken away from local control, that older people will be turned away or intimidated by the changes.

Mr. Sonner responded that centralizing dispatch services will actually improve service levels. It will change the dispatching, but not the vans or their drivers. He believes the centralized dispatchers will have the same ability to develop rapport with the seniors.

Mr. Sonner Moved - Pursuant to MGL Chapter 40, Section 4A, the Acton Board of Selectmen authorize execution of an Inter-Municipal Agreement (IMA) with the Towns of Boxborough, Concord, Littleton, Maynard, Stow and Westford for the provision of transportation Management services and establishment of the CrossTown Connect Transportation Management Association (TMA). Mr. Gowing – second. UNANIMOUS VOTE

CVS SITE PLAN – 400 Massachusetts Avenue

Richard Maddox with TRP Development introduced his group. He went over the general proposal and spoke about the work his group is doing with the Zoning Enforcement Officer to settle the size of the proposed building. He also mentioned that they want to try again to get approval from Town Meeting for the drive thrus for pharmacies. Josh Gurley, engineer from Boller Engineering, outlined the project. He feels we need to agree on the lot size and building size and will continue to work on this with Scott Mutch, the ZEO. They are planning to have a common driveway for shared access with the TD Bank. They discussed the proposed amenities and landscaping, including 16 trees and 250 shrubs. He noted that the storm drain meets the Storm Water bylaw and said that he will continue to work on the remaining comments made by the Town Engineer.

Kevin Patton – EKA Architects noted they worked closely with the Design Review Board on the site's appearance, and are proposing a brick and clapboard façade. They also recognized the desire to have the building appear to face the street and created a one of a kind special design.

Ms. Green thanked them for working with DRB and questioned the excess parking. The CVS team said that the Kelley's Corner zoning minimums for parking doesn't meet their anticipated needs, and noted that they have standards based on the hundreds of other CVS stores. They know what they need for employee and shoppers parking, and may in the future review the parking numbers. Ms. Green also asked if they were planning to build the overhang, etc. for the drive thru before another vote at Town Meeting. The CVS team said that they won't build the overhang but will plan for enough driving space for a future drive thru.

Mr. Gowing thanked them for all their hard work and asked if the east elevation width was large enough to have a drive-thru and a pass thru lane. Mr. Patton said width at the window allows

for a car make it by the drive-thru. Mr. Gowing brought up the remaining questions surrounding the FAR. He asked for the footprint of the mezzanine level. He was told that the mezzanine is 2,180 square feet and that the entire building has a gross square footage of 13,602, but that they believe the net floor square footage to be 12,000. Mr. Gowing asked Mr. Mutch is the TD Bank was under the FAR and if that calculation included the shared 7,000 square feet. Mr. Mutch said the TD Bank did not use the 7,000 square feet to meet FAR.

Mr. Clough said they need to resolve the numbers for the FAR before they can go forward. He asked about the driveway materials. The CVS team said they do not have enough data about the permeable products and they feel it is too costly and not appropriate in this instance and that stamped concrete is appropriate.

Mr. Sonner asked about the ownership of the lots and noted that it is not completely clear who owns what. He asked if this was something to be worked out with the Planning Department. Mr. Mutch spoke to Town Counsel who believes that all four parcels are in different ownership and therefore from a zoning view they are treated as individual properties until they are consolidated into one lot. Mr. Mutch was asked about special zoning at Kelley's corner and if the proposal is in the Kelley's Corner Zoning District. It is in the Kelley's Corner district.

Ms. Adachi asked about the DRB comments on the bollards. They said they can change the color. The retaining wall can be removed later if needed. Ms. Adachi asked about bike racks and having the stamped concrete. It is pedestrian friendly and asked about maintenance of the stamped concrete. It was noted that the initial cost is higher but maintenance is less costly or the same. Ms. Adachi noted that the proposal will likely need to be continued until the ownership and FAR issues are ironed out.

David Martin – commented about the building said that while it fits with the Kelley's Corner Zoning, it doesn't seem like it fits with the intent of the zoning. The placement of the entrance concerned him because while they make it appear that you can enter from the street, you actually enter from the back. He asked about traffic and getting across the street to and from the plaza. Mr. Sonner said Mass Ave. is a state road and not in our control. We would need to petition the State for a crossing and traffic light and defer to the Engineers and Police.

Mr. Trimble, a resident, said he was concerned about the traffic now and felt that putting in a light would be challenging.

Bonnie Norton, resident 8 Nadine Road, asked about the parcel distance from the clear cut lot to her property line. She is concerned about lighting and noise. Lighting will be downward and there should not be any light trespass.

Franny Osmann, resident, felt we should have some mitigation to bike and pedestrian access from Piper Road and School Street. She would like to know if that could be looked at. She wanted connection to other places from Great Hill.

Debbi Stern, resident, urged them to consider the lighting plans and asked not have light in the parking lots on all night. She asked about snow plowing and people using her neighborhood to pick up or cut through.

Dick Calandrella offered a note of caution with piece meal development of Kelley's Corner.

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Mr. Gowing noted that when Kelley's Corner zoning was developed 20 years ago there was a different plan. We need to look at the zoning holistically.

Joy Weider asked if the old CVS was being moved across the street. They will be.

Mr. Sonner - Move to continue site plan to October 7th at 7:35. Mr. Gowing – second.
UNANIMOUS VOTE

BURSAW GAS AND OIL – 94 GREAT ROAD, PROPANE STORAGE (LP)

Mr. Sonner asked if it was okay for us to approve 8,000 gallons of LP when the newspaper announcement only said 4,140. Mr. Ledoux said he would be concerned if the Board approved the higher number. The applicant said he was okay with only getting approval for the 4,140 gallons for right now.

Mr. Clough had questions about the safety of having 8,000 gallons on the lot at once. The applicant said they have lots of light and cameras in place and that the cargo would be secure.

Mr. Sonner – Moved to approve the application for 4140 gallons of LP. Mr. Clough – second.
UNANIMOUS VOTE

COMMON VICTULLER'S LICENSE, SPICEPEPPER GARDEN, 36 GREAT ROAD

Chris Holman attorney for applicant outlined the proposed operation. Mr. Tong has restaurant and liquor experience. He is a US citizen and TIPS trained. He will be on site for over 40 hours a week. They understand the importance of liquor service.

Mr. Gowing – Moved to approve. Mr. Sonner – second. UNANIMOUS VOTE

FULL LIQUOR TRANSFER, SPICEPEPPER GARDEN, 36 GREAT ROAD

Mr. Gowing asked about coverage at the restaurant when the owner would not be there. His wife will be at the restaurant overseeing things.

Mr. Sonner – Moved to approve. Mr. Clough – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

DOG LICENSE FEE WAIVER OVER 70 RESIDENTS

Mr. Ledoux recommends not changing the current dog licensing fees. He said that Town Meeting voted Article 40 to waive the dog licensing fees for residents over 70 but there was a question about when to start implementing that program. He recommends starting it in the new year.

Mr. Gowing - Moved to waive license fee to those over 70 years old starting on January 1st 2014. Mr. Sonner – second – UNANIMOUS VOTE

WOOD LANE PURCHASE AND SALES AGREEMENT

It was noted that this purchase was voted and approved at Annual Town Meeting and that this is the final document for signature.

Mr. Gowing – Moved to approve. Mr. Sonner – second. UNANIMOUS VOTE

DRAFT CHARGE OF THE SENIOR CENTER BUILDING COMMITTEE

Mr. Gowing introduced the proposal to form a senior center building committee and outlined who would be included on the committee.

Mr. Sonner asked what the approach would be from a community center angle. If the idea of a community center would be considered from the viewpoint of seniors or if the plan would be to consider a community center and senior center together. Mr. Gowing said this proposal came out of the 2007 senior center building plan committee and while the focus has always been on the senior center, they would continue to allow other community uses in the off hours. Mr. Sonner said that the Acton 2020 Committee heard a very different idea and have suggested also investigating building a Community Center. Mr. Gowing noted that there has already been a lot of legwork done on the Senior Center and that perhaps a sub-committee of the senior center committee could look into the community center. Mr. Sonner felt that from a political standpoint, it is not realistic to pass a senior center alone but noted that pushing both is obviously more expensive. He felt it was still unclear if the proposal was a senior center committee answering the question of whether or not we need a community center or if we need to create two separate committees.

Mr. Clough felt a community center should be discussed. We would want a sub-group to work that out before it comes to the Town and the board. He felt that the last proposal for a senior center was not passed at town meeting because we needed to pay more than lip service to the idea of a community center. .

Ms. Green was concerned about the push for the Community Center. She noted that there has been a lot of effort and work already put behind a senior center and does not see the same for a Community Center. She felt that the Senior Center is further along and did not want to hold it up for the Community Center part. She felt that if people wanted a community center, then they need to do the initial outreach and form a committee like the seniors have already done.

Ms. Adachi felt that there was a problem expanding the mission and asked if we need Community Center or just want one. If a Community Center is wanted then the residents will have to step up and move this forward and get the two uses together to see if there is a way for efficiencies. She wants to keep this about the Senior Center.

Dick Calandrella, resident, suggested the combining of the two committee's. Mr. Gowing said the Community Center is not defined. He felt the seniors have not gotten the respect for their funding the schools and other sacrifices they made to Acton's better good.

Mr. Clough wanted to clarify that he wasn't advocating for anything but rather focusing on what he thinks can get a result at town meeting. He noted that it only takes a handful to kill an idea

Final

and felt that the Senior Center wouldn't pass unless there is a greater exploration of a Community Center.

Mr. Sonner pointed out his main point is we craft it correctly. He felt there were folks who wanted to help with the Community Center idea.

Andrew Brockway, new chair of the 2020 – spoke about the 2020 Committee. The plan does address stand alone senior and combined with Community Center. Asked the Board take in to consideration the Community Center. 2020 thinks it is an important issue.

Margaret Busse – Washington Drive, former chair of 2020. Wants to review what happened with this discussion. She said the executive summary from the 2020 report noted that the need for both were ranked 15th as the highest wants, that being the Senior Center and Community Center and felt we should examine both.

Kristina Rychlick asked that the draft charge include looking at a combined senior and community center. She spoke about the efforts of the group that looked at creating Danny's Place and offered to share the work that they did investigating a community center.

Lynn Osborn, Chair of the Friends of the COA, spoke about moving ahead with the Senior Center Building Committee and keeping open mind for the Community Center. She too noted that seniors are the fastest growing population and believes that we need to keep the focus on the senior center.

Franny Osmann, stated that at last town meeting the vote was too big and felt we need to ask this question do we need a senior center and the committee may have looked at this.

Resident of Minuteman Road feels it is too bad that it is either one or the other.

Sharon Mercurio, Director COA spoke about the seniors' need for a new center and noted that we have shown this need and have outgrown the current building. She hopes we can keep the attention on the Senior Center. In her research, mixed use buildings are not successful.

Herman Kabakoff was a member of the committee in 2007. He said people should see the senior center - it is a mess and we have under served the seniors. The need is established. We need to find out why town meeting did not support it.

Julie Weir, School Street said that community means every generation. It needs to be a joint location for a senior and community center.

Barbara Wilson said that the seniors and COA board members are proponents of a free standing building. Seniors do not want to have to share the one building in town dedicated to seniors..

Resident of 4 Smart Road – spoke about the polarization of the community. Felt it was not a good plan.

Ms. Green felt we need to put our energies toward the senior center and recommends that Community Center be separate from the Senior Center. We need to focus on Senior Center now and the Community Center later.

Mr. Sonner wanted to revise the charge to remove the last 4 lines of the first paragraph and to move that we pass the charge without that section, and to also put out a call for citizens who want to come forward with a recommendation on how to move forward with a Community Center. Mr. Sonner – Moved to approve the revised Charge with changes. Ms. Green – second. Motion passes, 4-1 Mr. Clough- NO

DESIGNER SELECTION COMMITTEE, REQUEST FOR PROPOSALS, KELLEY'S CORNER

Mr. Ledoux outlined the \$277,000 appropriated at town meeting to commence work at Kelley's Corner with physical changes as well as zoning changes. This group will review and make recommendations to him and they will negotiate costs once a designer is chosen. Roland has reviewed the Selection Committee request. Mr. Ledoux suggests membership of a member of BOS, EDC, Planning Board and Peter Ashton as at large representative. RFP's are due Sept. 30th

Ms. Adachi said she would like to appoint John Sonner as the BOS liaison to the committee. Mr. Clough feels he is the best choice because he is a liaison for most of the other committees represented on the designer selection committee. Mr. Gowing - Moved to nominate Mr. Clough – Mr. Sonner – second. UNANIMOUS VOTE.

EXCHANGE HALL – CPA FUND RELEASE

Mr. Gowing - Moved to accept the report of the Town Planner and to release the CPC Funds for the Exchange Hall. All requirements have been fulfilled. Mr. Sonner – second. UNANIMOUS VOTE

SEWER COMMISSIONER'S BUSINESS

REQUEST FROM FORMER OWNER OF 9 BEVERLY ROAD FOR REDUCTION IN SEWER BILL

Mr. Sonner – Moved to approve. Mr. Clough – second. UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – GAB (Green Advisory Board) said the energy-consumption target for the town will be tough to meet and the easy steps are complete, leaving behavior such as turning off lights. They are hoping to have the BoS support this effort. The Acton Memorial Library is in the final stages of their Long-Range Plan and would like to present it to the BoS. WLMAC (Water Land Management Advisory Committee) might cease to exist as a committee. They are trying to get the AWD (Acton Water District) to have the Long-Range Plan easily available on their web site. They are also looking to create an easily-digestible public education campaign. Andy Brockway is the new chair of Acton 2020 and Kat Hudson is the new vice chair. There will be no separate committee for Kelley's Corner.

Mr. Clough – The Finance Committee is looking at a 1/2 million dollar turn back for the end of the last fiscal year. They are preparing to recommend no need for tax increase this year. Economic Development Committee and the Design Review Board looked at CVS plan. With the completion of the Caouette CR, the subcommittee for the Open Space Committee can vote to disband.

Ms. Adachi – Noted her attendance ALG on Thursday. Acton Community Housing Committee met on the 15th of August and approved the Post Office Square friendly 40 B and they will need to file the plan with Board of Appeals and will need a support letter. ACHC has had three families move into Whittelsley Way. Water Committee used consultant to clean up their bylaw. Met with a group to continue the discussion on consolidating our polling locations. She has spoken with members of the school committee and school community and they are willing to work with the Town Clerk.

Mr. Gowing – Morrison Farm Committee has six walks scheduled and have had many discussions around the barn and house. Historic District Commission met and gave a seminar on talking with the public. Acton TV voted Xuan Kong to its board of directors. They still have one opening on the board.

Ms. Green – Board of Health discussed removal of well at the Morrison Farm. Janet and she attended a few meetings with a group of people working on forming a coalition around diversity issues in town. School committee met and dissolved the regionalization study committee as they move into the actual work of transitioning to a full region. They were also able to reduce their use of E&D due to increased cherry sheet numbers. The Committee voted to spend no more than \$150,000 for the Leary track renovation. This money will be matched with more than \$400,000 in private donations. The Commission on Disabilities met with Sharon Mercurio of the Council on Aging and Laura Ducharme to discuss volunteer programs in town and how their committee might supplement those programs. They approved two variances and are working with the building department on a variance for the lower fields.

CONSENT

Mr. Clough – Hold of 15

Ms. Adachi – Hold on Signs on the Town common (19, 24).

Mr. Clough noted the seat numbers were inconsistent in the application. Dan Breen representing Starbucks said they added a new entrance and removed the railing blocking the step and adding five more seats. Railing removal was approved by the COD. What they request is the removal of the railing and up to 20 Seats are requested – which would represent five additional seats.

Acton Woman's /Acton Garden Club requests for placement of signs on the common. Ms. Adachi explained why the policy has not been finished and she is starting to review the situation again and may recommend to delegate to Town Manager and/or Municipal Properties Director.

Final

Mr. Gowing - Moved to approve the Consent Items - Mr. Sonner - second.
UNANIMOUS VOTE

EXECUTIVE SESSION

Procedure for Entering Executive Session on 9/9/13 Under the New Open Meeting Law

Chair: "I'll entertain a motion to enter executive session to discuss strategy with respect to Real Property."

- a. Mr. Gowing: "So moved."
- b. Mr. Sonner: "Second."

Chair: "Before the roll call vote to enter executive session, let me state:

- c. "In the executive session, the Selectmen will discuss Real Property, Audubon Hill Condominiums'
- d. "An open meeting may have a detrimental effect on the litigating position of the Town."

Chair: "Would the clerk please call the roll."

Chair: "At the conclusion of the executive session, the Board will reconvene in open session to adjourn."

Ms. Adachi - Moved to adjourn. Mr. Clough – second. Roll call taken, All Ayes.

Christine Joyce
Recording Secty

Clerk

Date